



STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SALEM POLICE RELIEF

v.

TOWN OF SALEM, NEW HAMPSHIRE

CASE NO. P-0715:4

DECISION NO. 81-10

APPEARANCES

Representing the Salem Police Relief:

Anthony R. DiFruscia, Esq., Counsel
Loretta Jacobs Schwartz, Esq.
Robert Larsen
John Tommiassi
William R. Foster
Donald Bolan
Alfred Durso

Representing the Town of Salem:

Robert P. Leslie, Esq., Counsel
Gary W. Wulf, Negotiator
Donald Jutton, Town Manager
Nicholas Manolis, Labor Relations Director
John P. Ganley, Chief
Konrad Underkofler, Financial Director

BACKGROUND

The Salem Police Relief on January 16, 1981 filed charges of unfair labor practices against the Town of Salem for failure to negotiate in good faith relative to the wage reopener clause, Article 20, Section 2 of the existing agreement.

In accordance with the evidence and testimony presented by the Police Relief, several attempts were made to schedule negotiating sessions by both parties but it was not until December 22, 1980 that a date was agreed upon. Prior to that meeting, the employee organization had received information on a budget figure for 1981 wage increases and presented their proposal to the Town in accordance with the projected figure. The first session ended with resolution as did the subsequent one on January 15th. Repeated attempts to obtain information on the Town's figures were unsuccessful and impasse resulted.

The Town denied it had failed to negotiate in good faith and as evidence stated that they had agreed to bypass mediation and seek the assistance of a third party fact-finder to resolve the impasse as quickly as possible.

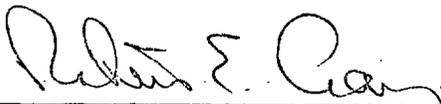
A hearing on the charges was held on February 11, 1981 and evidence presented by all parties of interest.

FINDINGS AND DECISION

Based on the evidence presented at the hearing, the Board finds that, the Salem Police Relief did not show a pattern of "failure to negotiate in good faith" since meetings were held, offers discussed and eventual impasse declared and fact-finding being held.

The issue of the allocation of the 5 percent differential was deferred until a later date. (Case No. P-0715:3)

Therefore, the Public Employee Labor Relations Board dismisses the charges of unfair labor practices against the Town of Salem.



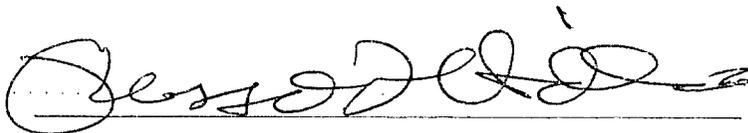
ROBERT E. CRAIG, Alternate Chairman
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 5th day of May, 1981

Alternate Chairman Craig presiding. Present and voting for dismissal, members Anderson and Osman; member Hilliard dissenting. Also present Executive Director Evelyn C. LeBrun.

DISSENT

In light of the simplicity of the question posed by negotiators for the representative of the employees and the apparent misunderstanding of the figures supplied by the employer, I would find that the refusal of the negotiator for the public employer to respond to the question and provide the requested information, which was not claimed to be confidential or privileged, constitutes bad faith in the negotiating process and, therefore, an unfair labor practice. It is the duty and obligation of this Board to intervene to ensure that the collective bargaining process contemplated by RSA 273-A is conducted in good faith. Such bargaining may, of course, be hard-nosed, but the conduct of the negotiator for the employer in this case, in my opinion, crosses the line into the area of needless recalcitrance and bad faith. Thus, to that extent, I must part with the majority, and sustain the complaint of unfair labor practice.



RUSSELL F. HILLIARD, Board Member

Signed this 6th day of May, 1981